

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN THE MATTER OF:

BENITA M. JONES,

Debtor(s)

Case No: B-1082129 C-13D

OBJECTION BY STANDING TRUSTEE TO CONFIRMATION OF PLAN

NOW COMES Richard M. Hutson, II, Standing Trustee (“Trustee”) and respectfully objects to confirmation of the Debtor’s plan pursuant to 11 U.S.C. §1325 and shows unto the Court the following:

1. The Debtor filed a petition under Title 11 of the United States Code, Chapter 13, on November 19, 2010, in the United States Bankruptcy Court for the Middle District of North Carolina.
2. On November 19, 2010, Richard M. Hutson, II, was appointed as Trustee.
3. This Court has proper and personal jurisdiction of the subject matter hereof and over the parties pursuant to 28 U.S.C. §§151, 157 and 1334, and the Standing Order entered by the United States District Court for the Middle District of North Carolina and this is a core proceeding within 28 U.S.C. §157(b).
4. The petition filed by the Debtor proposes a monthly plan payment of \$257.00 per month for a period of at least 36 months. Unsecured creditors will not receive any dividend.
5. Welcome Credit Union (“WCU”) has filed a claim in the amount of \$7,977.99 secured by a deed of trust on the Debtor’s real property and co-signed by a non-filing party. The claim is being paid in full in monthly installments of \$155.00.
6. The Debtor’s plan provides that the claim of Welcome Finance representing a lien on the Debtor’s 2000 Audi (“the automobile”) will be paid as a secured claim up to a value of \$6,700.00 in monthly installments of \$191.54.
7. The Trustee objects to confirmation of the plan in that the Debtor’s proposed plan payments are not sufficient to satisfy the payments to WCU, Welcome Finance, and all other secured and priority claims within the 60 month time limitation of 11 U.S.C. §1322(d). The plan is not feasible and should not be confirmed on that basis.

WHEREFORE, the Trustee prays the Court for an Order as follows:

1. That the Debtor's plan not be confirmed in that the plan does not comply with 11 U.S.C. §1325 and the case be dismissed for cause pursuant to 11 U.S.C. §1307; or
2. For such other and further relief as the Court may deem just or proper.

This the 24th day of January, 2011.

s/Benjamin E. Lovell

Benjamin E. Lovell
Attorney for the Trustee
State Bar No: 23266
P.O. Box 3613
Durham, N.C. 27702

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing document upon John T. Orcutt, Esq., 6616-203 Six Forks Rd., Raleigh, NC 27615, Benita M. Jones, 1815 Penrod Rd., Durham, NC 27703, and Michael D. West, Esq., U.S. Bankruptcy Administrator, PO Box 1828, Greensboro, NC 27402 by depositing a copy of same in the United States Mail, postage prepaid, and in the manner prescribed by Rule 5 of the Federal Rules of Civil Procedure.

This 24th day of January 2011.

s/Benjamin E. Lovell

Benjamin E. Lovell, Esq.
Attorney for the Standing Trustee